



**AGENDA  
HAYWARD CITY COUNCIL  
777 B STREET  
Hayward, CA 94541  
September 14, 2004**

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**ROOM 2B**

- 5:00 p.m. 1. Public Comments *(The Public Comments section provides an opportunity to address the City Council on items listed on the agenda, as well as other items of interest. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.)*
- 5:05 p.m. 2. Council Announcements, Referrals, Future Agenda Items

**CLOSED SESSION**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to Government Code Section 54957

Titles: City Manager and City Attorney

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION – Initiation of Litigation Pursuant to Government Code Section 54956.9(c): (1 Case)

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**CITY COUNCIL MEETING  
COUNCIL CHAMBERS**

**8:00 P.M. CALLED TO ORDER** - Pledge of Allegiance – Council Member Jimenez  
**ROLL CALL**

**PRESENTATION:** Business Recognition Award

**PUBLIC COMMENTS** *(The Public Comments section provides an opportunity to address the City Council on items not listed on the agenda. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.)*

**CONSENT**

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|--|------------|
| 1. Approval of Minutes of the City Council Meeting of September 7, 2004  | Motion     |
| 2. Final Map Tract 7040 – Frederico Campos, O’Neil Commons Development, LLC – Approval of Final Map, Authorize the City Manager to Execute a Subdivision Agreement – Property Located at 24709 O’Neil Avenue | Resolution |

***The following order of business applies to items considered as part of Public Hearings and Legislative Business:***

- *Staff Presentation*
- *City Council Questions*
- *Public Input*
- *Council Discussion and Action*

**HEARINGS**

***PLEASE TAKE NOTICE*** that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

***PLEASE TAKE FURTHER NOTICE*** that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

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|---|------------|
| 3. Use Permit Application No. PL-2004-0010 – Alex Aguilar (Applicant)/Jim Morris (Owner) - Appeal of Planning Commission's Approval of a Request to Operate a Nightclub in Conjunction with a Restaurant in the CC-C (Central City-Commercial) Zoning District – The Property is Located at 22380 Foothill Boulevard, between Russell Way and San Lorenzo Creek           | Resolution |
| <br>  |            |
| 4. Amendment of Benefit District 400-92, Tract 4007 to Oakes Drive Sanitary Sewer Benefit District, to Annex Two Parcels into the District - Schumate (Applicants) and Utility Service Agreement 03-06 – Schumate (Applicants/Owners) – Authorize the City Manager to Execute Utility Service Agreements for Sanitary Sewer Service for Properties Located on Picea Court | Resolution |

**COUNCIL REPORTS**     ***(Oral reports for items related to Council Member activities associated with external agencies.)***

**ADJOURNMENT**

**NEXT REGULAR MEETING - 8:00 P.M., TUESDAY, SEPTEMBER 21, 2004**

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*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.*

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